

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Registration No: 2011-42880
Issue No: 3008
Case No: [REDACTED]
Hearing Date: August 9, 2011
Wexford County DHS

Administrative Law Judge: Mark A. Meyer

HEARING DECISION

In accordance with MCL 400.9, MCL 400.37, and 1999 AC, R 400.903 a hearing was held in this matter on August 9, 2011. Claimant appeared at hearing and provided testimony. The Department of Human Services (the Department) was represented by agency personnel.

ISSUE

In dispute was whether the Department properly closed Claimant's Food Assistance Program (FAP) benefit case for failure to attend a redetermination interview and timely submit a completed redetermination packet.

FINDINGS OF FACT

Based on the competent, material, and substantial evidence on the whole record, the Administrative Law Judge finds as relevant fact:

1. At all times relevant to this matter, Claimant was receiving FAP benefits.
2. Sometime in March 2011, Claimant submitted various medical bills to the Department. Upon review, it was determined by the agency that he was entitled to FAP benefits for the month of April 2011 only in the amount of [REDACTED]. Claimant was notified of this action on March 31, 2011. (Department's Exhibit D-6.)
3. On the same date, March 31, 2011, the Department requested that Claimant attend a redetermination interview; the interview was scheduled for April 15, 2011, at 9:00 a.m. Claimant was also asked to submit a completed redetermination packet with all necessary proofs by the date of the interview. (Department's Exhibit D-1.)

4. The redetermination interview form (DHS-574) and the cover sheet for the redetermination packet (DHS-1010) informed Claimant that his failure to return a completed packet and required proofs "may result in [his] benefits being reduced or cancelled." (Department's Exhibit D-1.)
5. Claimant failed to attend the April 15, 2011, telephone interview. Likewise, he failed to return the required completed redetermination packet with proofs by the April 15, 2011, due date. (Department's Exhibits D2; D-3; D-4; Department representative's hearing testimony, August 9, 2011; Claimant's hearing testimony, August 9, 2011.)
6. On April 15, 2011, the Department mailed to Claimant a notice of missed interview (DHS-254), informing him of his responsibility to reschedule the interview before April 30, 2011, "or your redetermination will be denied." (Department's Exhibit D-2.)
7. Claimant contacted his caseworker on April 25, 2011, inquiring why his FAP case was closing. He was told to complete the previously requested redetermination packet and return it to the agency by April 30, 2011. Claimant failed to do so. (Department's Exhibit D-3; Department representative's hearing testimony.)
8. On April 30, 2011, Claimant's FAP case was closed. (Department representative's hearing testimony.)
9. On May 10, 2011, Claimant met with a Department supervisor to discuss the closure of his FAP case. At that time, he was told it was necessary to reapply for benefits. (Department's Exhibit D-3.)
10. Claimant subsequently requested a hearing to contest the agency's closure of his FAP benefit case. (Claimant's hearing request, received May 18, 2011.)

CONCLUSIONS OF LAW

The hearing and appeals process for applicants and recipients of public assistance in Michigan is governed by 1999 AC, R 400.901 through 400.951, in accordance with federal law. An opportunity for hearing must be granted to an applicant who requests a hearing because his claim for assistance is denied or not acted on with reasonable promptness, and to any recipient who is aggrieved by Department action resulting in suspension, reduction, discontinuance, or termination of assistance. Rule 400.903(1). Indeed, an applicant or recipient holds the right to contest an agency decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department must provide an administrative hearing to review the decision and determine its appropriateness. Bridges Administrative Manual (BAM) 600, p. 1.

Here, the Department closed Claimant's FAP benefit case due to his determined failure to attend a redetermination interview and timely submit a completed redetermination packet. From this action, Claimant filed a request for hearing.

FAP – formerly known as the Food Stamp Program – was established by the Food Stamp Act of 1977, 7 USC 2011, *et seq.*, and is implemented through federal regulations found in 7 CFR 273.1 *et seq.* The Department administers the FAP under MCL 400.10, *et seq.*, and Rules 400.3001 through 400.3015. Agency policies pertaining to the FAP are found in the BAM, BEM, and RFT. The goal of the FAP is to ensure sound nutrition among children and adults. BEM 230A.

FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2. Here, the period for which Claimant was determined eligible for FAP benefits ended on April 31, 2011. Engaging in a redetermination process was therefore proper in this case. See BAM 210, pp. 1-2.

A client must cooperate with the Department in determining initial and ongoing eligibility for assistance benefits. BAM 105, p. 5. If the client does not submit a completed requested redetermination packet as requested, the benefit period expires. BAM 210, p. 2. In other words, a FAP group loses its rights to uninterrupted benefits if it fails to submit the redetermination packet by the filing due date. BAM 210, p. 13.

A redetermination packet is considered complete when all of the sections on the DHS-1010, including the signature section, are completed. BAM 210, p. 7. Furthermore, verifications – i.e., proofs – are due the same date as the redetermination interview. When an interview is not required, verifications are due the same date the packet is due. BAM 210, p. 10.

Verification is defined as "documents or other evidence to establish the accuracy of the client's verbal or written statements." BAM 130, p. 1. Verification is usually required at application, redetermination, or for a reported change affecting eligibility or level of benefit. BAM 130, p. 1. The Department will instruct a client: (1) what verification is required; (2) how to obtain it, and (3) the due date for submission. BAM 130, p. 2.

Verification requested by the Department must be obtained by the client, although assistance may be requested from the agency if needed. BAM 130, p. 3; see also BAM 105, p. 9. The client must take action within his or her ability to obtain verifications. BAM 105, p. 8.

A client who is able, but demonstrates a refusal to provide requested verifications or take a required action, is subject to penalties. BAM 105, p. 5. For example, a negative action notice is issued against the client when he or she:

- indicates a refusal to provide a verification, or
- the time period given for providing the requested verification elapses.

BAM 130, p 6.

Here, the Department provided credible testimony that Claimant failed to attend the redetermination interview and failed to timely submit a completed redetermination packet by the April 15, 2011, due date.

Claimant effectively argued, however, that he satisfied his redetermination responsibilities when he submitted various medical bills to his caseworker in March 2011, which in turn resulted in an increase in his FAP benefits for the month of April 2011. This argument is without merit.

Claimant admitted that he received the Department's redetermination packet and notice of redetermination interview. He testified that he then called his caseworker to inquire why he had to go through this process when he had just received an increase in his FAP benefits – albeit this increase was only for the month of April 2011. According to Claimant, he did not receive a response from his caseworker until after the April 15, 2011, interview date, which was also the due date for the redetermination packet. Claimant, however, provided no testimony that he attempted to participate in the interview or submit the packet by the requested due date. His reasons for failing to do so are simply untenable.

At the very least a reasonable person in Claimant's position would have attended the April 15, 2011, redetermination interview. Any questions or concerns he might have had regarding the redetermination process could have been addressed at that time. Claimant, however, simply chose to leave a telephone message for his caseworker and wait for a response, despite the fact that this meant missing the interview and the due date for submitting the redetermination packet.

Based on the entirety of testimony and other evidence presented, it is reasonably concluded that Claimant neither attended the scheduled redetermination telephone interview, nor timely submitted a completed redetermination packet as required. The agency's action in this matter was therefore appropriate. Claimant is encouraged to reapply for benefits, and to timely and adequately adhere to the Department's requests for information.

DECISION AND ORDER

Based on the above findings of fact and conclusions of law, the Administrative Law Judge determines that the Department properly closed Claimant's FAP benefit case based on his failure to attend a scheduled redetermination telephone interview or submit a completed redetermination packet as requested.

Therefore, the Department's action in this matter is UPHELD.

It is SO ORDERED.

/s/ _____
Mark A. Meyer
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 8/15/11

Date Mailed: 8/15/11

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this decision and order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

Claimant may appeal this decision and order to the Circuit Court for the county in which he/she resides within 30 days of the receipt of this decision and order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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Administrative Hearings